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# Harvests of violence - neglect of basic rights and the *Boko Haram* insurgency in Nigeria

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*That poverty breeds insecurity and, eventually terrorism, is self-evident-* Andris Pielbags<sup>1</sup>

## Abstract

Drawing on core commitments of Critical Terrorism Studies (CTS), and mostly, the ethic of emancipation, this article focuses on the *Boko Haram* insurgency to investigate recurring violent conflict in Nigeria. It identifies a governance gap not adverted to in the official narrative which has led to gross discontent at the lower levels of the society. The governance gap has created fertile breeding grounds for the recruitment of disillusioned youths who are easily mobilised to violence and lately, insurgency. There are normative and pragmatic reasons to adopt and prioritise social-welfare through the implementation of economic, social and cultural obligations and due process rights as a viable approach to at least reducing the spate of violence in the country. The discussion has relevance for resolving situations of violence and conflict in sub-Saharan Africa in particular and elsewhere in the developing world.

**Keywords:** *Boko Haram*; Nigeria; economic and social rights; due process; impunity

## Introduction

Since 2009, Nigeria has been caught in the grip of serious acts of violence; bombings, killings and destruction of property linked to the *Jama'atu Ahlus-Sunnah Lidda'Awati Wal Jihad* (Group Committed to Propagating the Prophet's Teachings and Jihad) commonly known as *Boko Haram*<sup>2</sup> (western education/civilisation is evil). There is literature on the establishment and development of the group and the accounts will not be rehashed here (Walker 2012, Amnesty 2012; Maiangwa *et al* 2012 p. 45-49; Pham 2012; Adesoji 2010). Suffice it to say that the group has gained notoriety and it has engaged the Nigerian state in a running conflict on among others, the demand for an "Islamic State" at least in the Northern part, if not the whole of the country, and the unconditional release of its members detained by state security agents (Walker 2012, p. 11-12).

Just like its response to the violence, the official narrative - and it is important to clarify that "official" here refers to the Federal Government of Nigeria which has responsibility for and control of all the security agencies in the country - of the violence has been ambivalent. It attributes the violence to ethnic political opposition to the current administration. The government later included, indeed, emphasised that *Boko Haram* is a product of religious extremism requiring international counter-terrorism cooperation. Significantly however, relevant stakeholders, local voices at, close to, or otherwise connected to the epicentre of the

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violence have maintained an alternative narrative. The alternative narrative locates the violence within the context of social displacement, social neglect, abject poverty and disenchantment with government and the state. Understanding of the socio-economic context as well as the analogous experience of the country with another insurgency supports the alternative narrative.

The core argument of this article is that the neglect of basic rights, conceived here as economic, social and cultural rights (ESC rights) and due process by the Nigerian state have combined to foster recurring violence in different parts of the country. There is a governance gap which has led to gross discontent at the lower levels of the society. In order to address the resulting state of insecurity and curb the propensity for the development of such groups in the future, the state and the political elite have to commit to a fundamental socio-political and legal restructuring that accords human dignity to the country's teeming population and in particular, youths, who confront bleak prospects of self-actualisation.

This article proceeds as follows. The analysis adopts the Critical Terrorism Studies (CTS) approach to identify and discuss the factors that have fostered and promoted violence, insurgency and terrorism in Nigeria. It moves on to an examination of the context of violence and conflict in the country. This is followed by a focus on the divergent discourse on the violence and how to deal with it. The article then proceeds to an analysis of the appropriate measures for addressing the challenge of conflict and insurgency through a CTS approach. I explore the core-commitments of CTS and in particular, the ethic of emancipation to propose strategies that are basic rights-sensitive in addressing the untoward situation. There are normative and pragmatic reasons to adopt and prioritise social-welfare through the implementation of ESC obligations and due process rights as a viable approach to address the spate of violence in the country. The discussion has relevance for resolving situations of violence and conflict in sub-Saharan Africa in particular and elsewhere.

## **Conceptual approach**

### ***Critical Terrorism Studies (CTS)***

In the critical studies tradition, CTS scholars challenge orthodox accounts and mainstream scholarship on terrorism. Stemming from the Frankfurt School Critical Theory, CTS scholarship adopts empirical, normative, ethical and theoretical approaches that question the methods and arguments of mainstream practices of governments and the supporting scholarship. CTS problematizes the mainstream approaches to terrorism which characterises terrorism as conduct of mentally imbalanced individuals and groups (McDonald 2007; Michel and Richards 2009) driven mainly by an unjust desire to subvert democracy or in general, the "liberal," "progressive" and "civilised" western tradition ((Al Sumait, Lingle and Domke 2009, Stohl 2008). This latter point is especially true of the characterisation of so called "religious terrorism" in "Mainstream Terrorism Studies" (MTS) (Gunning and Jackson 2011) which is the common description of groups like the *Boko Haram*. Further, as a research

orientation, CTS challenges the assumed knowledge and understandings of terrorism. It critiques MTS for (largely) uncritically legitimising the “War on Terror” in an international system ridden with inequities and hegemony (Breen Smyth *et al* 2008).

While urging reflexivity, CTS challenges the state-centric focus of terrorism analysis which has meant problematizing the “terrorist” as a security threat to the neglect of the critical issue of how the state creates the conditions in which terrorist action occurs (Gunning 2007b, pp. 371-377; Jarvis 2009, pp. 7-14). CTS adopts an approach that emphasises “universal human security” as against the conventional focus on the security of the state. This requires a focus on all factors that limit human actualisation (Breen Smyth 2007, p. 262; Booth 2005). The objective is not to oppose the state and policy-makers in the quest for security, but rather, to speak truth to power in a way that maximises the opportunities for change. Far from being an “appeasement of tyranny,” CTS is “a vigorous anti-terror project based on fundamental human rights and values, and a concern for social justice, equality” for eradicating “structural and physical violence and discrimination” (Jackson 2007, p. 250). As we will see, these values are central to the discussion in this article.

CTS adopts an epistemological approach that recognises the complexity of power relations and avoids totalising analyses in evaluating the issue of political terror. On this view, the appreciation of historicity; the social context, is critical to ensuring a robust, fair and effective engagement with political terror at the local and global level. Thus, CTS rejects exceptionalising the experience of any society, historical period or set of events of political terror (Breen Smyth 2007, pp. 262-263, Gunning 2007b, pp. 371-374). Addressing political violence in this way, especially with a view to ensuring policy relevance, requires adopting an ethic of emancipation (Heath-Kelly, 2010; McDonald 2007; Gunning 2007b, pp. 239-242). As a normative concern of Critical Theory generally, emancipation refers to “a commitment to removing the sources of violence and oppression that confront people as individuals and communities” (Jackson *et al* 2011, p. 277). Emancipation in the context of CTS can be defined as “the realisation of greater human freedom and human potential and improvements in individual and social actualisation and well-being” (Jackson 2007, p. 249). It has also been defined by McDonald (2007, pp. 254) as “the process of freeing up space for dialogue and deliberation, and the diffusion of power to ‘speak’ security.”

A CTS approach to terrorism studies provides an appropriate point of departure for interrogating the causes of violence in what is sometimes less than accurately described as “ethno-religious” conflicts, and in particular, the recent experience of the *Boko Haram* crisis in Nigeria. This is because, as stated earlier, the official narrative on the insurgency in the country follows at best, a MTS approach which has not only failed to make the world a safer place, but has been criticised for compounding the contemporary security situation around the world (Herring and Stokes 2011; Gunning and Jackson 2011).

Further, a CTS approach is useful for delving behind the scenes to identify neglected narratives which not only supplements mainstream accounts but provides a robust account of the causes and motivations of terrorist violence. As a frame of analysis, CTS involves an ontological commitment that “entails an ongoing process of intellectual engagement (rather

than a fixed position or endpoint) with a wide range of perspectives and approaches”. It not only rejects exceptionalism, but also seeks to “prioritise specificity, context, history, and nuance” in the area of terrorism studies (Jackson 2009, p. 4). It thus concretely expands the scope for engaging with, and reducing the security challenges terrorism poses to society (Herring and Stokes 2011, p. 2). CTS directly addresses “conditions that can be seen to impel actors to resort to terrorist tactics” (Jackson 2009, p. 6), a central concern of this article.

### **A “basic rights-sensitive” approach**

The desire for achieving not just a “victory” over terrorist groups but instituting sustainable peace in a liberal society drives the choice of adopting an approach that positively defuses the recurring tensions and violence in Nigeria. A “basic rights – sensitive” approach is particularly fitting for the context. This is because as it will be shown below, the context is fraught with sometimes gross violations of human rights which have persisted alongside institutionalised corruption in the midst of vast natural resources, including but not limited to oil and natural gas. This approach should contribute significantly to instituting a system that substantially reduces the incidence of gross discontent, and the sense of social injustice that commonly, if not invariably, underpins violence in the nature of violent insurgence and terrorism.

The idea of rights frames the relationship that exists between individuals, the state and increasingly, even important non-state actors (Alston 2005). The basic rights sensitive approach as conceived here refers to the recognition of the dignity of citizens through the implementation of ESC rights and state-led application of due process in the conduct of governance and use of power. This includes the need to curb political corruption which has been a significant cause of poor infrastructure, underdevelopment and pauperisation of large numbers of citizens in Nigeria.

Recourse to a rights-sensitive approach for addressing political violence in this way is not simply a moral or altruistic choice but rather, one with substantive expedient value. A former United States ambassador to Nigeria acknowledged that far-reaching governance-related changes were the solution to upheavals like the *Boko Haram* (Hansen and Musa 2013, p. 291). This is in recognition of how such grievances predispose the masses to sympathising with *Boko Haram* and such other groups (Weinstein 2007). There has been an evolution in practices of insurgent movements and they now commonly seek to gain the support of the local population in areas of their operation as a strategic measure to enhance their viability (Reno 2012). It is relevant in this regard to point out for instance that in its early period, *Boko Haram* received some local support because of its welfare programmes for a largely impoverished population (Hansen and Musa 2013; p. 290). Thus, rather than the emphasis on militarisation, the government is much better off addressing the “legitimate grievances” that have predisposed “meaningful segments of the population in the North” to groups like the *Boko Haram*’s message of “overturning the status quo in Nigeria” (Pham 2012, p. 7). It is now appropriate to turn to justification of this framework through an exploration of the context.

## Scorecard of neglect: conflict and violence in Nigeria

### *The governance gap*

The institutionalisation of a governance gap has become a common experience in many developing countries, especially in sub-Saharan Africa. The governance gap refers to a gulf that has developed between citizens and the state as a result of the lack of credible leadership and the implementation of programmes that bear little or no positive impact on the social development of the people. The governance gap leads to social disillusionment and produces large numbers of citizens who become disconnected from the state and its institutions. Such individuals slip through institutional arrangements to become easy recruits in the hands of all forms of ethnic, political and religious irredentists who challenge the state (Maiangwa *et al* 2012, p. 44; Jackson 2007, p. 599).

It is pertinent to the argument made in this article to be clear about the socio-economic and political situation in Nigeria, particularly in the context of the post-authoritarian transition from 1999 and even previous to it. The country has witnessed some of the most egregious disregard for basic rights – ESC rights and due process – during both periods. The country's experience in its post-colonial period has situated Nigerian society in a governance gap. The multi-religious and multi-ethnic country typifies the legacy of British colonialism in sub-Saharan Africa.<sup>3</sup> Nigeria's huge natural resources have not been translated into development for its teeming population. It has had a severely chequered history of sustained development and democratic governance. Most of its post-independence experience of statehood has been under authoritarian military (mis) rule.

Successive military regimes perfected plunder, compromised all institutions of state and generally directed them towards flagrant violations of human rights of the people. Human rights abuses were prevalent. The population suffered repression, state-sponsored murder and restrictions on civil liberties, among others. The military treated the country like conquered territory and its vast resources as "spoils of war." Under military rule, the country transformed rapidly from one of the richest nations at independence, to one of the poorest. Although military incursions into power were proclaimed to be in pursuit of economic rectitude, unity and peace of the country, arguably none of these was achieved by the numerous military regimes. Rather, the military institutionalised corruption which has remained a formidable challenge to development and good governance in the country (Yusuf 2007, pp. 269-270; Okonjo-Iweala 2012, p. 2).

According to the Energy Information Agency, the country's 37.2 billion barrels of proven oil reserves places it at the vantage position of being the largest producer of oil in Africa and tenth largest in the world (2012, p. 3). Seizing on soaring oil prices in the late 1960s and early 1970s, successive military regimes quickly shifted emphasis from agriculture to crude oil exploitation. The government replaced agriculture as the leading foreign exchange earner; a situation which has persisted ever since with attendant neglect of the historical mainstay of the economy of most communities in the country (Falola 2008, p. 3). Crude oil has come to

account for over 90% of the country's total foreign earnings (Energy Information 2012, p. 1). Most of the oil (and gas) reserves are located within the country's Niger Delta area, in the south but most of the area lacks basic infrastructure. Ethnic and regional militias sprung up in response and remained there and in some other parts of the country. To contain expressions of social discontent, military regimes in Nigeria militarised the Niger Delta. The ethnic militias mainly demand more autonomy and local control of natural resources in their respective areas in the virtually unitarised federal polity (Aghedo 2012, pp. 270-271).

The acute experience of a governance gap in the last twelve years is ironic because the country had never earned more in its post-independence existence. A very recent appraisal of the country's economic performance stated that it has achieved "a robust increase in GDP from 2.9 per cent in the 1990s to 8.9 per cent in the following decade." But poverty rates have not only increased, it has in reality continued to rise with the northern part being worst hit (Joseph 2012, p. 14). The northern part of the country, following decades of social and infrastructural neglect "has been in economic free fall." This is at a time when the country's legislators are reportedly the highest paid in the world; \$189,000 per annum placing them at a whopping 116 times over the country's average gross domestic product (GDP) per capita (*Economist* 20 July 2013). Despite strong criticisms, the legislators have resisted the executive branch's attempts to reduce the outrageous emoluments (*Daily Trust* 23 July 2013).

Remarkably, while prevailing inequality continues to breed conflict in different parts of the country as elsewhere on the continent, analyses of insecurity and vicious cycles of violence in Africa usually fail to take cognisance of "underlying" causes. It is logical to assume that recommendations from such "analyses," lacking in positive rigour, will deliver inadequate, if not misleading policy guidance with deepening frustration for all involved. While it is easy to ascribe violence in countries like Nigeria to religious revivalism, many such analyses suffer from inadequate investigation of the true causes of persisting violence in Africa; "discordant development" (Joseph 2012, p. 14).

### ***Harvests of violence***

Analyses of terrorism have for too long proceeded and are dominated by neglect of context. Breen Smyth *et al* have observed that the current study of terrorism, occurs largely in a

political, legal, cultural, and academic context...in which fascination with terrorism encourages moral panics and an excessive focus on violence, to the neglect of the wider social, historical, and often mundane milieu in which it is situated. (2008, p. 1-2)

A desire to rectify that principal failing is one of the fundamental justifications for the emergence of CTS. Thus, from a CTS perspective, comprehensive understanding of the context of the violence is germane to an accurate analysis of the on-going experience of insurgency (Toros and Gunning 2009).

The social context of violence in Nigeria is that of gross social deprivation in "the midst of plenty" (International Crisis Group 2006, p. 1). While many of the incidences of violence

have been attributed to religion, this is usually obfuscation of the reality. The link to religion is mostly accidental and a nuanced analysis discloses that ethnicity plays an important role in various incidents reported as religious violence in the country. This is due to the fact that for the most part, “ethnic boundaries” are essentially coterminous with religious identity;<sup>4</sup> making it more appropriate to talk in terms of “ethno-religious” conflicts in the country. Even that, as mentioned earlier, is in many cases less than accurate, for as Azam relevantly observes,

most of the time the reference to ethnicity is used as a ready-made explanation for the eruption of civil wars, especially in the mass media, while a closer look at the facts suggests that it falls short of providing even the beginning of an explanation. (2001, p. 429)

Beyond the façade of ethnicity and religion, there is usually the quest for political power and the economic control (Ukiwo 2003, p. 120-129; Dowden 2008, pp. 452-453). An external view may suggest that religious differences accounts for the conflicts in the country but a careful and closer look reveals that “politics—more precisely, control of government patronage—is the primary cause of many of these conflicts” (Walker 2012, p. 1).

Given the context of the *Boko Haram* insurgency, there are, from a CTS perspective, very strong reasons to consider the abject poverty that prevails in the region of its origin (Pham 2012, 2) as a major cause for the current state of violence and insecurity there. A developing body of research has identified a complex and dynamic relationship between poverty and insecurity. As Rice recently argued, “Basic intuition suggests that such pervasive poverty and grotesque disparities breed resentment, hostility, and insecurity” (2007, p. 32).

Two main lines, of many hypothetical causes of violent conflict, have been identified. The first line points at political repression, the other, economic conditions and specifically poverty. While it is conceded that repression does engender conflict, the evidence in support of poverty as the major cause of violent conflicts is quite robust; economic factors trump political ones (Miguel 2007, p. 55). This is what Miguel refers to as the “poverty-violence nexus” (2007, p. 51). After World War II, majority of wars leading to over 40 million deaths have been *within* rather than *between* countries (Kahl 2006). Most of the conflicts “have occurred in the world’s poorest nations” and sub-Sahara Africa (which Nigeria forms a part) is worst hit (2007, p. 51).

To understand the context of the *Boko Haram* crisis and how this fits well into the “poverty-violence nexus” it is useful to recall the legacy of military authoritarianism in the country. At the dawn of its transition to civil rule on 29 May 1999, the Federal Government of Nigeria attempted to engage with this past through a truth-seeking process conducted under the Human Rights Violations Investigations Commission (the Oputa Panel). The truth-seeking process remains quite valuable as a “soul-searching” and stock-taking process for establishing the legacy of nearly three decades of military rule in the country (Yusuf 2013, p. 160-165).



The Oputa Panel's report was never implemented ostensibly due to a legal challenge brought by three former military heads of state to challenge its powers in issuing summons compelling their attendance as witnesses before it. Still, it provides a very useful insight into the situation of human rights violations in the country following nearly three decades of military authoritarian rule (Yusuf 2013, Yusuf 2007). Its depth and insight on the malaise afflicting the Nigerian society remains unparalleled. Abject poverty, social dislocation, poverty and violation of human rights by security agents of the state; legacies of authoritarian military rule, detailed in the report remain germane a decade after the completion of the work of the Oputa Panel. With specific reference to the north-eastern part of the country; epicentre of the *Boko Haram* insurgency, the situation remains grim. Social deprivation; poor educational facilities, unprecedented high levels of youth unemployment, mass poverty and corruption are key drivers of feelings of exclusion among the majority there (Adesoji 2010, p. 100) and to varying extents, in other parts of the country.

### **“Dealing” with *Boko Haram* - politics, divergent narratives and counter-violence**

The response to violence and terror takes three broad forms namely militarizing, criminalizing and the liberal approach (Jarvis 2009, p. 12). The military response typically conceives political violence or insurgent activity is a branch of warfare which necessitates military action. Those who advocate this approach argue that terrorism as a form of unconventional warfare and must be repelled as such because bargaining or negotiations will not resolve the problem it poses (Chellaney 2002, p. 108-108; Jarvis 2009, p. 12). Criminalizing political violence as a response to it stems from the view that it is a criminal rather than a military problem (Jarvis 2009, p. 12-13; Archibugi and Young 2002). The liberal approach differs from the other two approaches as it views political terror as a “symptom of underlying dynamics.” On this account, political terror signals the existence of a fundamental problem (s) which requires an entirely different form (s) of solution depending on its roots (Jarvis 2009, p. 13). Solutions may range from diplomacy to favourable economic policies and foreign aid. This is arguably a more viable approach to dealing with political terror while recognising that there may be some value in the application of some elements of the other two approaches (Jarvis 2009, p. 13).

The Nigerian experience has moved through and combined these approaches over time. The government has deployed security forces; now mainly soldiers, to the four states that have witnessed the most violence from the *Boko Haram* insurgents over time and recently declared a state of emergency there. Government also recently set up a *Presidential Committee on Dialogue and Peaceful Resolution of Security Challenges in the North* with the remit to explore peace in exchange for amnesty for the insurgents (*Leadership* 19 April 2013). The State has in addition proceeded with the prosecution of few alleged members of the group. Four individuals were convicted on terrorism charges by a federal high court in the summer of 2013 under terrorism legislation with very severe terms of imprisonment (*The Nation* 10 July 2013).

### ***The political response - a pall of ambivalence***

The political response of the central government to the *Boko Haram* insurgency has been marked by palpable ambivalence. One of the indicators of that ambivalence is the continuing shifting position of government policy on the group. Thus for instance, at different times and sometimes in quick succession, leading government officials; including the President, his ministers and his chief-spokesman, have contradicted one another on efforts at dialogue with the group (*The Sun* 20 July 2013).

As mentioned earlier, the official narrative partly ascribes the violence to overzealous religious fervour and the increased trend of terrorism globally. Spokesman for the President's political party stated that

It is clear that some people are out to perpetrate acts of terrorism in Nigeria to create a semblance of insecurity as it obtains in other troubled spots of the world. (*Vanguard* 26 January 2013)

President Goodluck Jonathan in a CNN interview was similarly emphatic that the insurgency was neither a product of misrule or poverty but a "local terror group" whose existence threatens Africa as a whole (*Punch* 24 January 2013). It was thus not surprising that President Jonathan not only expressed delight and support for the United State government's declaration of bounties for information leading to the capture of the leaders of the group, he followed suit with an Order proscribing the group under the country's terrorism legislation (Prevention of Terrorism Act 2011), barely a day after the US action (*News Agency of Nigeria* June 17, 2013). The proscription order is rather curious given that the group was never registered nor legally recognised under the country's laws. One explanation for this appears to be that such action improves the chances of the government in enlisting military and related support from its western allies as part of the ubiquitous "War on Terror" led by the United States (Blanquart 2012, p. 32-34). In any event, official ambivalence becomes more evident when it is considered that the proscription was declared a short while after the authorities had set up a national committee to explore dialogue with and amnesty for violence-renouncing members of the group.

As indicated earlier, this narrative finds its place in the globalized discourse of counter-terrorism arising from "the spread of radical Islamist ideologies" (Solomon 2012, p. 8), "Islamic fundamentalism" or "Islamic extremism" resulting in militancy or terrorism (Cook 2011; Solomon 2012). Adesoji (2011, p. 99-119) argues that *Boko Haram* is essentially a product of deep-rooted problem of Islamic fundamentalism. According to him, from the 1980s, there has been an upsurge of religious extremism in the country resulting in incessant religious conflicts. He traces the origins of the religious crisis to the acrimonious debates about the place of Shari'a during the Constituent Assembly discussions in 1977-1978 leading to the promulgation of the 1979 Constitution. He identified the Shi'ite movement led by Ibrahim Zakzaky as precursor of political violence in the northern part of the country with the "major manifestation of Islamic fundamentalism" being the Maitatsine uprisings of 1980 to

1985 (p. 100). The emergence of the *Boko Haram* Adesoji further argues, is also attributable to the lack of political will to deal with previous experiences of religious fundamentalism, part of a general problem of impunity in the country. Isa (2012) shares these views but further traces the origins of “Islamic militancy” and recurring incidences of violence by Muslim groups in Northern Nigeria to the early 19<sup>th</sup> century. Uthman dan Fodio sought to revitalise the practice of Islam and led a rebellion against perceived corrupt political and religious practices of the Hausa Habe Muslim rulers. Bagaji *et al* (2012) similarly contend that groups like the *Boko Haram* derive inspiration from the success of the Khomeini revolution and desire to establish an Islamic state in Nigeria.

However, as mentioned earlier, there is another strand of the official narrative which views the insurgency as a contrivance of political opposition to President Jonathan. On this view, the insurgency has been created by elements among the political elite in the Northern part of the country who were opposed to Jonathan’s emergence as president in the 2011 general elections. A senior presidential media aide alleged that the violence in the country was a product of a call for violence by the leading opponent to the incumbent following the controversial elections (*The Nation* 9 November 2012). The same sentiments were expressed by President Jonathan at the launch of an initiative to promote inter-faith dialogue in the country (*This Day* 23 November 2012). In line with the ethnic-politics narrative, retired (now late) army General and erstwhile National Security Adviser, Owoye Azazi, stated that “violence did not increase in Nigeria until when there was a declaration by the current President that he was going to contest” (*The Nation* 5 May 2012, see also Blanquart 2012). This narrative presumably informs the militarisation approach of the federal government to the insurgency despite recent parallel moves towards dialogue and peaceful resolution of the crisis. However, this aspect of the official position fails to advert to the fact that the first major incident with *Boko Haram* including the extra-judicial killing of its leader in 2009 occurred during the tenure of a Northern Muslim President, Umar Yar ‘Adua who died in 2010 (Pham 2012 3; Walker 2012, p. 4). Walker (2012, p. 8) highlights the irony in the ethnic-politics narrative by observing that at about the same time President Jonathan was announcing an increase in the cost of petroleum products, he stated that his government had been infiltrated by *Boko Haram* (see also Solomon 2012, 10). President Jonathan thus “painted a picture of a puppet group that was being used by aggrieved northern politicians to bring down his southern government” (Walker 2012, p. 8).

The ambivalence in the government’s approach complicates the experience of cross-violence perpetrated either by the insurgents (or by others) and that perpetrated by security agents drafted in to counter them. This has alienated the people and made it virtually impossible to secure required cooperation with security agencies. Even with the violence wrought by subversive groups like the *Boko Haram*, the state remains for many, a very distant entity with political elite that plunders the country’s resources (Ukiwo 2003, p. 131-133; Walker 2009, p. 13-14). In the post-authoritarian period, the majority had become alienated from a political elite made up mostly of retired military rulers or their protégés leading to a questioning of the legitimacy of the new regime (Ukiwo 2003, p. 134). The experience of manipulated elections

and escalation of political corruption has accentuated feelings of disillusionment (Yusuf 2011; Omotola 2010).

Worse still is the militarised response of the state approach, lacking as it is, in modern policing and intelligence techniques (Solomon 2012, p. 8). The “consistently brutal” approach of the security agencies in “dealing” with the *Boko Haram* has been “counterproductive.” It has sustained and fuelled the group’s expansion rather than curb it. The people are even more alienated than ever in the crisis because the tactics of the police has made it more difficult for members of the group to be apprehended. The tactics of the security agencies has led to a situation where people in two major cities caught in the violence “are, for the most part, more scared of the police and the army than they are of Boko Haram” (Walker 2012, p. 12-13). The people are literally caught in what one respondent told Amnesty International is a “lose lose situation” (2012, p. 3): Some people are killed by violent groups like the *Boko Haram*, others by state security agencies.

### **A Counter Narrative**

Politics and terrorism interact in ways that indicate a struggle for power (Schmid 2004, pp. 199-202). “Governments and career politicians,” as Kassimeris notes, “have always been tempted to exploit disasters” to achieve their political aims (2008, 4; Herring and Stoke 2011, 2). Similar is the case with Nigeria. In the Nigerian experience the official narrative has played on ethnicity to delegitimise or evade an alternative, arguably superior and empirically ascertainable narrative. The core of that alternative narrative is that the *Boko Haram* insurgency, like many others before it (Ogundiya 2009; Omeje 2009) is deeply rooted in a legacy of gross deprivation, violations of human rights and social dislocation that is most acute in the north eastern part of the country. Danjibo points out that while religious fundamentalism plays an important part in the emergence of groups like the *Boko Haram* in Nigeria, it would be wrong to limit its causation to this. Rather, “failure of good governance” is “perhaps the most viable explanation” for the recurring cycles of violence in the country (2009, p. 15-18). Maiangwa *et al* similarly identify the circumstance of the failed state as well as frustration and aggression theory as central to the emergence and sustenance of the *Boko Haram* insurgency (2012, p. 43-44).

Many public figures in the country share the view that poor or non-existing social welfare policies are directly linked to the *Boko Haram* insurgency. A former Inspector General of Police and National Security Adviser from the northern part of the country recently stated that years of “bad leadership” and neglect of the “ordinary man” was responsible for the spate of violence in the country (*The Nation* 8 January 2012). Kashim Shettima, Governor of Borno State, which along with Yobe is the most affected site of the insurgency, was emphatic about the critical role poverty plays in the crisis. He stated in an interview that despite his “misguided ideology”, the late leader of the *Boko Haram* was able to retain the loyalty of his followers through among others, provision of a meal a day to each member, setting up a youth empowerment scheme and organising cheap marriages among them. This apparently gave such followers a sense of self-worth (*Daily Trust* 20 February 2012). This constitutes an

effective exploitation of the governance gap relating to the provision of social welfare provisions.

With the benefit of local experience, the Governor of a major oil producing state in the Niger Delta also stated that most of those involved in “*Boko Haram*-related activities” were persons mainly between the ages of 18 and 21 years. According to him, they were victims of “political and socio-economic violence” who then resorted to physical violence. He emphasised that provision of free education, water, and infrastructural facilities like roads and electricity was essential to dissuade the people from resort to violence. Youths busy in education will not “have time to be actively involved in *Boko Haram* activities” he reasoned (*The Guardian*, 26 May 2012). In other words, instituting basic rights-sensitive governance will go a long way in addressing discontent which is at the root of or at least, significantly sustains the violence. Provision of social-welfare services by the state is crucial for stability as this influences the “preferences and capacities of social actors in ways that, on balance, discourage terrorism.” Such provisions by the state diminishes “incentives to commit or tolerate terrorism” and weakens “extremist political and religious organizations and practice that provide economic and cognitive security where public safety nets are lacking” (Burgoon 2006, p. 177). The *Boko Haram* experience bears this out.

### **Addressing the challenge of conflict and insurgency**

Research has identified failure of the state to provide some of the fundamental needs of the people like health and education as a core cause of many conflicts. Social welfare policies can positively impact on the level of violence and terrorism (Azam 2001, p. 442; Taydas and Peksen p. 2012). Significantly, “state-security” and “counter-terrorism” focused research recognises the important place of socio-economic factors in the *Boko Haram* crisis. Forest’s work is representative of this group. Focusing on *Boko Haram* in a book aimed at assisting US Special Operations Forces understand “religiously- inspired domestic terrorism” (2012, p. 3), he considers that the group is “largely a product of widespread socioeconomic and religious insecurities, and its ideology resonates among certain communities because of both historical narratives and modern grievances” (2012, 1).

As I indicated earlier, a liberal approach is one of the ways of responding to severe political violence. Such a liberal approach accommodates governance and institutional reforms. This approach ought to be prioritised in addressing *Boko Haram* crises in Nigeria in view of the background which suggests crass neglect and a dysfunctional socio-economic system. The prioritisation of ESC rights and institutionalisation of due process are critical measures for addressing the harvest of violence that is being experienced in the country.

### ***Imperative of instituting economic, social, and cultural rights***

Paden has observed that in non-Western cultures like that of Nigeria, economic, political, religious, social and other dimensions of culture overlap. It is imperative that social sciences analyses understand this reality in studying and addressing conflict in such contexts (Paden

2005, p. 3-4). The *Boko Haram* crisis is the latest in a series of recurring violence in Nigeria while the Niger Delta remains relatively restive (Aghedo 2012, p. 270-271; Adesoji 2010). Adopting Paden's view, addressing a crisis like the *Boko Haram* requires a holistic view of the situation. This includes paying attention to the socio-economic context of the *Boko Haram* insurgency.

ESC rights unlike civil and political rights are still non-justiciable in the country. Redressing that situation is an imperative for significantly diffusing social tensions in the country on a sustainable basis. Fulfilling the legal obligations created by the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples Rights (African Charter) are apt for this purpose as Nigeria is party to both instruments which provide for ESC rights (having acceded to ICESCR and ratified African Charter in 1993 and 1983 respectively). However, because Nigeria operates a dualist tradition in its constitutional practice on the implementation of treaties, the country's ratification of international treaties like the ICESCR do not imply the direct application of the provisions of such instruments domestically (Egede 2007 and Enabulele 2009). There is a clear requirement under Section 12 (1) of the 1999 Constitution that the provisions of such treaties be incorporated by domestic legislation for them to be binding on persons, authorities and institutions in the country. While there has been some recognition of the significance of the country's obligations under international treaties to which she is party, this does not go far enough to enable citizens demand compliance with the country's international law obligations. In *Abacha v Fawehinmi* the Supreme Court stated that the legal implications of such treaties are such that "they might have an indirect effect upon the construction of statutes or might give rise to a legitimate expectation by citizens that the government, in its acts affecting them, would observe the terms of the treaty" (2000, p. 586).

Despite ratifying the ICESCR, ESC rights in Nigeria, like in many developing countries, are essentially non-justiciable. While the *African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act of 1990* domesticates the African Charter, this is not the case with the ICESCR. Even with the domestication of the African Charter, the country's laws (and certainly the 1999 Constitution, 'the Constitution') as stated earlier, does not offer full or substantive protection for ESC rights with perhaps the notable exception of the much untested right to non-discrimination. However, by virtue of the customary international law principle of *pacta sunt servanda* embodied in Article 26 of the Vienna Convention on the Law of Treaties (VCLT), the country is bound by the provisions of the treaties. Article 26 of the VCLT provides that "every treaty in force is binding upon the state parties" to it and this must "be performed by them in good faith." This binds state parties to observance of the provisions of any treaty on ratification or accession as either signifies a positive intention to perform the obligations of the treaty. "Treaties" as Shaw notes, "are express agreements and are a form of substitute legislation undertaken by states" (2008, p. 94).

Successive constitutions from 1979 have provided for economic and social entitlements as part of the "fundamental objectives" and "directive principles of state policy" which have been no more than "exhortations of best practice" (Yusuf 2008, 86). Ironically, they recognise precisely the category of ESC rights that ought to be guaranteed alongside the civil

and political rights protected by the Constitution. For instance they contain provisions requiring the state to “direct its policy” towards providing “suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled” for all citizens. The State is also to “strive to eradicate illiteracy; provide free education at all levels, including University education “when practicable” (Sections 13-22, 1999 Constitution).

The core commitments of CTS, as discussed earlier, are germane to the context of the Boko Haram insurgency and violence. A focal point of that commitment, as we have seen, is the adoption of an ethic of emancipation. In its most basic form, this ethic translates into a concern for individual freedom and actualisation as a measure to forestall or at least, reduce the incidence and intensity of political violence (McDonald 2007). It is striking to note how most of the non-justiciable and unimplemented provisions of the Constitution relate to the absence of an ethic of emancipation and deprivation of freedoms in the country. The lack of commitment to issues of social welfare feature has continued to generate feelings of discontent and gross neglect among the majority in the country. These feelings, as stated earlier, are either the main causes of, or at least substantially linked to the resort to violence by various individuals and groups who have been mobilised under ethnic or religious platforms.

Empirical research, especially in the field of peace and conflict studies, indicates that the volume of welfare spending plays a direct role in the predisposition of citizens to violence and conflict. States can significantly reduce the likelihood of civil war and decrease dissent in the society through the provision of social welfare services (Azam 2001; Taydas and Peksen 2012). Such provisions ties in closely with the obligations of government for fulfilling ESC rights as conceived here. Through the provision of “public services” and creation of “social safety nets,” states can prevent the otherwise disadvantaged from becoming desperate and susceptible to recruitment into the ranks of those with an agenda of destabilization. This strengthens the credibility as well as legitimacy of the state. “Simply put,” Taydas and Peksen argue, “by spending on public goods and offering benefits in return for citizen loyalty, governments can co-opt political opposition and reduce incentives to join rebel movements” (2012, p. 274). It is thus crucial in seeking to understand or address situations of insurgency to advert to this violence-conducive environment created by the state, one of the issues to which CTS directs attention in studies of political violence.

Contrary to the nature of its obligations as outlined above, Nigeria has continued to treat implementation of ESC rights with levity and suspicion. It follows a tradition in many developing countries (and even in varying degrees, some developed ones) which violates the principle of indivisibility of rights, dichotomising human rights into positive and negative rights. ESC rights are being treated as the “normatively underdeveloped stepchild of the human rights family” (Wood 2003, p. 676). This is because ESC rights are wrongly viewed as requiring state commitment of resources while civil and positive rights are considered as requiring negative obligations of non-interference. This approach has being vigorously contested in recent times (Baderin and McCoquordale 2007; Gauri and Brinks 2008). In any event, given the huge misappropriation of the public resources, there is a sound argument to

be made that the country at least has reasonable capacity for instituting economic and social rights (Lawan 2011, p. 63).

The Arab Spring has demonstrated that securing basic rights of access to food, health and shelter is no longer a matter of choice but ought to be regarded as a priority both in national jurisdictions and the international system. The United Nations Office of the High Commissioner for Human Rights (OHCHR) has noted that it was the denial of “the most basic elements of a life in dignity” that impelled Mohammed Bouazizi, the Tunisian to set himself alight thereby setting “a spark that lit the fire of the Arab Spring.” It further noted that the experience “exposed the fallacy of the assumption that economic or social progress can be achieved in isolation from enjoyment of human rights” (OHCHR 2011, p. 62). Taking a cue from the experience of the Arab Spring, many opinion leaders in Nigeria have emphasised the need to address poverty as a major cause of violence and conflict in the country. Chief Olusegun Obasanjo, a former military leader and two times civilian president, expressed “fear” of likely breakout of “violent revolution” in the country unless the government took steps to urgently redress the appalling socio-economic situation (*Daily Trust* 12 November 2012).

### ***Local Learning: The Niger Delta experience***

Usually, arguments of the nature made in the foregoing for introducing measures to address violence in one particular jurisdiction usually find vindication in comparative experiences elsewhere. Significantly however, the argument made so far on the need for ESC rights as a measure for achieving sustainable peace in Nigeria finds vindication also in a parallel experience in another troubled area of the country; the Niger Delta. Despite the fact that the oil from the Niger Delta region constitutes about 90% of the country’s foreign exchange earnings, it also lacks basic infrastructure like electricity, health care facilities, potable water, roads and youth unemployment is high.

Most human rights violations in the Niger Delta involved communities making it easy to mobilise youths of those communities to protests against the state (Oluwaniyi 2010). This is especially with regard to ecological devastation and degradation occasioned by the neglect of international standards in oil exploration activities by transnational oil corporations (TOCs). The TOCs in the Niger Delta include Shell Petroleum Development Company of Nigeria (Shell) and ExxonMobil, Total, Chevron, Elf, Agip (Eni) and Texaco (Carmody 2011, p. 114; Ibaba 2011, pp. 258-259). Shell operated for over three decades in Ogoniland until protests forced it to stop in 1993 (UNEP 2011, p. 25). The United Nations Environmental Programme (UNEP) has expressed the fear that

The environmental restoration of Ogoniland could prove to be the world’s most wide-ranging and long term oil clean-up exercise ever undertaken if contaminated drinking water, land, creeks and important ecosystems such as mangroves are to be brought back to full, productive health. (UNEP 2011a, p. 1)

In the context of such a socially challenging environment, protesting civil society groups, organised or otherwise (Ikelegbe 2001) gave way to militias and subsequently violence



(Carmody 2011, pp. 113-114, Ibaba 2011, pp. 251-257). There was sabotage, bombing of oil-installations and government infrastructure, kidnapping as well as attacks and killing of military and security personnel deployed to the area (Ogege 2011, pp. 249-250; Osumah and Aghedo 2011). In response, the state continued the militarisation of the area (Amnesty 2009a; 2009b). In short, there is a clear parallel between the restiveness in the area and what has dovetailed into an unprecedented level of violence now being experienced in the northern part of the country.

Faced with a failing military strategy late President Yar' Adua offered an olive branch in the nature of an amnesty programme to the militant groups (Otite and Umukoro 2011). This programme, to which hundreds of millions of dollars has ostensibly been committed in technical and vocational training for the "ex-militants" has led to cognisable reduction of the restiveness in that part of the country. This has been coupled with the setting up of a Ministry of the Niger Delta to directly address issues of infrastructural development in the region. This approach has attracted some criticisms.

Critics have expressed the view that the government's amnesty programme is merely diversionary. Some consider it a ploy to defuse the restiveness in the Niger Delta to ensure "business as usual" for the government and the powerful TOCS without the political will to empower the people of the region or address serious environmental degradation that has taken place (and continues) there (Ogege 2011). Such apprehension is not completely without justification. There is the government's extremely restricted consultation with stakeholders, the rather questionable deployment of tremendous financial resources to only those identified as "ex-militants" (Ibaba 2011, p. 264) and the dubious, overnight transformation of erstwhile leaders of some militant groups to multi-millionaires (Carmody 2011, p. 115). Allegations of corruption have also trailed the whole process from payments for surrendered weapons, identification of "ex-militants," to disbursement of stipends to them (Oluwaniyi 2011, p. 50-54; *National Mirror* 18 October 2012). There is also the spectre of fickle commitment to well-grounded socio-economic policies by successive administrations in the country (Igboin 2012, p. 90-91). Notwithstanding these anomalies, it is empirically ascertainable that the attacks against the state have been considerably minimised with the country now faced with taking forward a basic rights approach to the crisis in the area (Oluwaniyi 2011, p.54).

Still applying the CTS ethic of emancipation described by McDonald as entailing concern for "opening up of space for non-repressive dialogue" (2007, p. 255), the amnesty option, while not flawless, is arguably the most viable to resolving the restiveness in the Niger Delta region. This is because at the core of the amnesty programme is the engagement of the state with subaltern agitations of minorities arising from longstanding claims of marginalisation. Peace and conflict research findings show that this approach is quite useful because the perception that government cares goes a long way in assuaging feelings of resentment and exclusion that generate rebellion and violence against the state (Taydas and Peksen 2012, p. 284; Burgoon 2006). That persisting dysfunctional governance arrangements militate against optimal results from the process does not justify discarding such non-repressive engagement. It is to be preferred to the continued perniciousness that has characterised the militarisation of various sites of political violence in the country. The results of the introduction of limited

socio-economic measures into the options for achieving peace in the Niger Delta supports the adoption of a similar approach to securing sustainable peace in the country as a whole. However, there is a correlating requirement to also address the virtual absence of due process in governance in the country to achieve stronger, sustainable results.

### ***Due process - curbing corruption, checking Impunity***

Due process here refers to the realisation that power has the tendency to corrupt and so there is a critical need to check its exercise particularly on the part of the state. This is ensured through procedural and substantive measures. Due process constrains the application of governmental power by requiring that policies and actions of government officials are not arbitrary. The central idea of substantive due process is the requirement that the business of governance is conducted by officials “on public spirited rather than self-interested or invidious motivations, and there must be a ‘rational’ or reasonable relationship between government’s ends and its means” (Fallon 1993, p. 95).

The thinness of due process in the country in its procedural and substantive forms - requiring compliance with laid down rules and that those rules must be reasonable and not self-serving respectively, transcends government’s fiscal activities. It permeates all the structures of governance in Nigeria. For instance, the absence of due process and transparency in the conduct of government’s contract and procurement activities facilitates grand theft of public funds. This led to the establishment of the “Due Process” Office – later Bureau for Public Procurement in the early years of the Obasanjo administration (Okonjo-Iweala 2012, pp. 88-89).

The focus here is however limited to two aspects; political corruption as a reflection of absence of due process and impunity in the conduct of security agencies in carrying out otherwise legitimate duties. It is estimated that Nigeria has made over 400 billion dollars from oil exports in six decades but more than 80% of that figure has accrued to a mere 1% of the population (Carmody 2011, pp. 113-114). Given the level of poverty in the country despite this earnings, it is little wonder there is widespread disenchantment with the state manifesting in among others, conflict and violence as represented by the activities of groups like the *Boko Haram* and militancy in the Niger Delta.

There is a link not only between poverty and violence but also between corruption and violence. Corruption delegitimises the state and fractures the relationship between government (state) and the people (society). Corruption of state officials undermines the rule of law and the authority of the state leading to hostility of citizens who come to view the state as an “enemy” (UNODC 2005, p. 89). In such circumstances, citizens tend to resort to the use of force and self-help; making outbreaks of violence a real possibility (Yusuf 2012, p. 451). Ibaba has described how the incidence of grand political corruption has led to a “frustration-aggression trap” resulting in the development of militias and violence in the Niger Delta region of Nigeria (Ibaba 2011, p. 257-263). It is instructive that three former Governors of three different states in the region have since been convicted for large theft of public funds,

the most notorious being James Ibori, convicted by a London court in 2012 (*The Guardian* 17 April 2012) after a drawn out indictment in Nigeria (Yusuf 2011).

An emancipatory agenda involves “drawing attention to and prioritising the needs and concerns of those most vulnerable” in the sites of political violence both at the point of incidence and in response to it (McDonald 2007, p. 257). Applied to the *Boko Haram* experience, this entails, at least in part, the imperative of curbing corruption in Nigeria since it is a major predisposing factor to social violence. Pham has observed that a viable approach to ending incessant violence in the country involves “dramatic action” to end corruption and the establishment of a “more inclusive” government to address socio-economic needs of the majority (2012, p. 7).

As mentioned above, there is also an urgent need to pursue due process through checking the impunity of the state and its agencies, especially the security forces. Extra-judicial killings by the security agencies deployed to “keep the peace” in the northern part of the country, has continued till date (National Human Rights Commission 2013; Amnesty 2012, p. 19-39). It is a fact that the neglect of due process manifested in the extra-judicial killing of Mohammed Yusuf, the leader of the *Boko Haram* group. This incident notably triggered or at least, significantly contributed to engendering the spate of violence and terror the country is now witnessing (Pham 2012, p. 2-5; Maiangwa *et al* 2012, p. 47-49). The group to which it has been controversially linked or compared; the Maitatsine (a heretic group as far as most Muslims are concerned), was itself brutally wiped out by state security forces in the 1980s (Walker 2012, p. 1, Adesoji 2011).

One of the central contributions of CTS scholarship is how it draws attention not only to the dialectics of how the West has provoked violence from the “other (s)” (Herring and Stokes 2011, p. 1) but also how the Westphalian state as an outgrowth of western political arrangements employs a tradition of violence-to-combat-violence in asserting sovereignty (Tellidis 2009, p. 185). This latter tradition speaks to how successive military regimes institutionalised impunity, learning from the historical legacy of colonialism in the country. The Nigerian state has continued on a trajectory of counter-violence that has done nothing but lead to a cycle of blood and tears with a hapless populace at the receiving end. Recently, Bukar Abba Ibrahim, a Senator (and former Governor of Yobe State) representing parts of the epicentre of the *Boko Haram* insurgency, denounced security agencies for killing more people than the *Boko Haram* and making matters worse for the people, contrary to official claims. He noted that *Boko Haram* had existed for “ages” as a peaceful group but the impunity of the security agencies, particularly the Police, provoked it to violence against the state. He lamented that whenever a security agent was harmed in any way, the security forces respond by cordoning off such an area and burning down all property there. “What,” he wondered “has [burning] property got to do with people killing security agents on the road?” (*The Nation* 9 November 2012).

The experience of impunity in the campaign against the *Boko Haram* vindicates the view within CTS that an approach to political violence that neglects or rejects liberal democratic values like due process and fair-hearing invariably undermines the campaign against terror

(McDonald 2007, p. 256). The impunity of state security agents has only served to further delegitimise the state in an already polarised and politically charged atmosphere. The implications of such a context ought to be considered in analysis of the recurring violence in the country. On a CTS framing, it is important to advert to all forms of political violence or terror, including that of the state, in seeking to address the experience (Jackson *et al* 2011, p. 174-194; Blakeley 2009). It is high time the government addressed the penchant for impunity for which the country's security agencies have become notorious internationally (Open Society 2010; Amnesty 2012). There is a need for the Nigerian government to adopt a due-process approach with zero-tolerance for human rights violations and impunity from state and non-state actors alike. It is imperative that the State "re-invent itself" as "its failure at all levels has been an excuse for the inveterate terrorist convolutions" the country has witnessed (Igboin 2012, p. 91).

### **Conclusion: connecting the state to society**

A CTS discursive approach emphasises the need to identify with the context of political violence and terror. Applied to the Nigerian experience, it is germane to introspect on the context of that violence in seeking to address the *Boko Haram* crises in the cycle of recurring violence in the country. The development of the group in North-East Nigeria is set in the background of resentment against the state. The insurgency derives not merely from ideological (religious) fundamentalism, but can, on critical inquiry, be located in the governance gap and neglect of basic rights set out above. This commends a liberal approach as the main route to addressing the violence of the group and a number of others in ferment in the country, and indeed in other contested spaces.

An analysis that adopts the core commitments of CTS and in particular, an ethic of emancipation, interrogates narratives that elide the notorious fact of the context of state impunity, in the denial of basic rights. In the experience of dysfunctional states like Nigeria the legacies of colonial rule, authoritarian governance and political corruption have combined to erode state legitimacy among an increasing majority grappling with poverty with widening gaps between the rich and poor. The deficiency in state legitimacy is a critical issue in such contexts which ought to be accorded critical attention in efforts to understand and address recurring political violence. Such enquiry, while already implicit in a CTS approach to political violence ought to be progressed and deepened through interdisciplinary collaboration among cognate fields.

While the transition from authoritarianism to civil democratic rule is desirable, it is far from being itself a virtue that promotes the well-being of societies in Africa. Where it simply translates to nothing more than the conduct of (multi) party elections, as has mainly been the experience in Nigeria, it only exacerbates frustration and alienation among majority of the population. This fosters a situation in which individuals become liable to "being mobilised around counter-elites who exploit extant popular alienation from the state by whipping up sectarian sentiments" (Ukiwo 2003, p. 120). An important way out from the situation of

violence and terrorism in Nigeria is firstly for the state to abandon denial – it is stark that there is a grave disconnect between state and society in many African countries. Nigeria is sadly one of the most poignant representation of that in the period of its post-authoritarian transition; an irony given the expectations of a post authoritarian society.

The Niger Delta amnesty programme as an instance of socio-economic intervention falls short of institutionalising ESC rights. However, its aftermath, even if only to a limited extent, suggests there is considerable value in following a rights-sensitive approach as a critical measure in addressing violence and conflict confronting many developing countries. This is especially the case with those in sub-Sahara Africa. Substitution of state-denial and counter-violence with acknowledgement and a measure of engagement with aspects of socio-economic marginalisation of the people is a positive measure. The political will to adopt rights sensitive approach to political violence will contribute significantly to achieving sustainable peace in the country. It is important to note that the introduction of the ESC rights alone, without the additional component of observing due process by government and its agencies, will lead to a still-birth of any positive promise the measure holds.

It is commonly argued that resource constraints militate against the constitutionalisation and realisation of ESC rights. However, there is a sound argument to be made for its expedience in the same countries that have been excused for neglecting these rights on the basis of resource constrains. It is typical to find that neglect of ESC rights in developing countries like Nigeria typically cohere with high security spending on importation of weapons for security forces; paradoxically to secure usually elusive peace. That has gone unquestioned by the prominent players in the international system quick to move in with military assistance to help “secure the peace” in conflict zones in the developing countries - witness the situation in Mali. This has to be addressed.

Violence like that ensuing from the *Boko Haram* insurgency has arisen principally from governance gaps and a critical assessment suggests that African governments and their foreign allies in the “War on Terror” have to face up to that fact for viable solutions beyond militarisation. “Boko Haram” Davis suggests, “is Nigeria’s reflection in the mirror, and the country does not like what it sees” (2012, p. 16). One can usefully add that the violence in many other parts of Africa are similarly mirror-reflections of a governance gap which if left unaddressed, will continue to dodge the steps of development and stability on the continent. Domestic and international policy responses to the current situation of violence and conflict in other developing countries and especially those in sub-Sahara Africa like the Democratic Republic of Congo, Central African Republic, and lately, Mali ought to engage with this reality.

## Notes

<sup>1</sup> ‘Key Note Address by EU Commissioner Andris Piebalgs to the “High-Level Forum on International Cooperation”’ (Milan, Italy 1 October 2012).

<sup>2</sup> I use this appellation for the group throughout this piece as it is the common, though derisive one by which it is known.

<sup>3</sup> There are reputedly over 250 ethnic groups in the country.

<sup>4</sup> The Yoruba (of the south-west of the country) being the main oddity in this regard.

## References

- Abacha v. Fawehinmi* (2000) FWLR (Pt 4) 585.
- Adesoji, A.O. 2010. “Boko Haram Uprising and Islamic Revivalism in Nigeria.” *Africa Spectrum* 45 (2): 95-108.
- Adesoji, A.O. 2011. “Between Maitatsine and Boko Haram: Islamic Fundamentalism and the Response of the Nigerian State.” *Africa Today* 57 (4): 99-119.
- African Charter on Human and Peoples Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986
- Aghedo, I. 2012. “Winning the War, Losing the Peace: Amnesty and the Challenges of Post-Conflict Peace-Building in the Niger Delta, Nigeria.” *Journal of Asian and African Studies* 48 (3): 267–280
- Alston, P. 2005 *Non State Actors and Human Rights*. Oxford: Oxford University Press.
- Al-Sumait, F., C. Lingle, and D. Domke. 2009. “Terrorism’s Cause and Cure: The Rhetorical Regime of Democracy in the US and UK.” *Critical Studies on Terrorism* 2(1): 7-25.
- Amnesty International. 2009a. *Killing at Will: Extrajudicial Executions and Other Unlawful Killings by the Police in Nigeria*. London: Amnesty International.
- Amnesty International. 2009b. *Petroleum, Pollution and Poverty in the Niger Delta*. London: Amnesty International.
- Amnesty International. 2012. *Cycles of Violence*. London: Amnesty International.
- Archibugi, D. and I. Young. 2002. “Toward a Global Rule of Law.” *Dissent* 49(2): 27–32.
- Azam, J. 2001. “The Redistributive State and Conflicts in Africa.” *Journal of Peace Research* 38 (4): 429–444.
- Baderin, M., and R. McCorquodale eds. 2007. *Economic, Social, and Cultural Rights in Action*. Oxford: Oxford University Press.
- Blakeley, R. 2009. *State Terrorism and Neoliberalism: The North in the South*. Abingdon: Routledge
- Blanquart, G. 2012. “Boko Haram: Terrorist Organization, Freedom Fighters or Religious Fanatics? An Analysis of Boko Haram within Nigeria, an Australian Perspective and the Need for Counter Terrorism Responses that Involves Prescribing them as a Terrorist Organization.” *Proceedings of the 3rd Australian Counter Terrorism Conference*. Perth, Western Australia.
- Booth, K. 2005. “Beyond Critical Security Studies.” In: K. Booth, ed. *Critical Security Studies and World Politics*. Boulder: Lynne Rienner.
- Brainard, L. and D. Chollet eds. 2007. *Too Poor for Peace? Global Poverty, Conflict, and Security in the 21st Century*. Washington, DC: Brookings Institution.
- Breen Smyth, M. “A Critical Research Agenda for the Study of Political Terror.” *European Political Science* 6 (3): 260-267.

- 
- Breen Smyth, M., J. Gunning, R. Jackson, G. Kassimeris, and K. Piers, 2008. "Critical Terrorism Studies – An Introduction." *Critical Studies on Terrorism* 1 (1): 1-5.
- Burgoon, B., 2006. "On Welfare and Terror: Social Welfare Policies and Political-Economic Roots of Terrorism." *Journal of Conflict Resolution* 50(2): 176–203.
- Carmody, P., 2011. *The New Scramble for Africa*. Cambridge: Polity Press.
- Constitution of the Federal Republic of Nigeria, Cap. C23 LFN 2004
- Cook, D. 2011. "Boko Haram: A Prognosis." Rice University: James A. Baker III Institute for Public Policy.
- Danjibo, N.D. 2009. "Islamic Fundamentalism and Sectarian Violence: The 'Maitatsine' and 'Boko Haram' Crises in Northern Nigeria." University of Ibadan: Peace and Conflict Studies Programme, Institute of African Studies.
- Davis, C. 2012. "Anatomy: African Terrorism: Boko Haram: Nigeria's Homegrown Terror Network." *Global Policy Journal* 29 (4): 16-17.
- Diplo News. 2012. "That Poverty Breeds Insecurity and, Eventually Terrorism is Self-Evident, Says EU Commissioner Pielbags." Accessed 1 January 2013.  
[http://www.diplonews.com/feeds/free/2\\_October\\_2012\\_20.php](http://www.diplonews.com/feeds/free/2_October_2012_20.php)
- Dowden, R. 2008. *Africa: Altered States, Ordinary Miracles*. London: Portobello Books.
- Egede, E. 2007. "Bringing Human Rights Home: An Examination of the Domestication of Human Rights Treaties in Nigeria." *Journal of African Law* 51 (2): 249-284.
- Enabulele, A. 2009. "Implementation of Treaties in Nigeria and the Status Question: Whither Nigerian Courts?" *African Journal of International and Comparative Law* 17(2): 326-341.
- Energy Information Administration. *Country Analysis Briefs: Nigeria*. Accessed 8 January 2013. <http://www.eia.gov/countries/analysisbriefs/Nigeria/nigeria.pdf>
- Fallon, R. 1993. "Some Confusions about Due Process, Judicial Review, and Constitutional Remedies." *Columbia Law Review* 93 (2): 309-371.
- Forest, J.F. 2012. *Confronting the Terrorism of Boko Haram in Nigeria*. Florida: JSOU Press.
- Gauri, V., and M. B. Daniel. 2008. *Courting Social Justice Judicial Enforcement of Social and Economic Rights in the Developing World*. Cambridge, MA: Cambridge University Press.
- Gunning, J., and R. Jackson. 2011. "What's so 'Religious' about 'Religious Terrorism'?" *Critical Studies on Terrorism* 4(3): 369-388.
- Gunning, J. 2007a. "Babies and Bathwaters: Reflecting on the Pitfalls of Critical Terrorism Studies." *European Political Science* 6 (3): 236-243.
- Gunning, J. 2007b. "The Case for a Critical Terrorism Studies?" *Government & Opposition* 42(3): 363–393.
- Hansen, W and U. A. Musa. 2013. "Fanon, the Wretched and Boko Haram." *Journal of Asian and African Studies* 48 (3): 281-296.
- Heath-Kelly, C., 2010. "Critical Terrorism Studies, Critical Theory and the Naturalistic Fallacy". *Security Challenge* 41 (3): 235:254.
- Herring, E. and D. Stokes. 2011. "Editors' Introduction: Bringing Critical Realism and Historical Materialism into Critical Terrorism Studies." *Critical Studies on Terrorism* 4(1): 1-4.
- Igboin, B. O. 2012. "Boko Haram Sharia Reasoning and Democratic Vision in Pluralist Nigeria." *International Studies: Interdisciplinary Political and Cultural Journal* 14 (1): 75-93.
- Ikelegbe, A. 2001. "Civil Society, Oil and Conflict in the Niger Delta Region of Nigeria: Ramifications of Civil Society for a Regional Resource Struggle." *Journal of Modern African Studies* 93 (3): 437-469.

- 
- International Covenant on Economic and Social Rights* adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16 December 1966, entered into force 3 January 1976
- International Crisis Group. 2006. *Nigeria: Want in the Midst of Plenty. Africa Report*, N°113.
- Isa, M.K. 2010. "Militant Islamic Groups in Northern Nigeria." In: W. Okumu and A. Ikelegbe, eds. *Militias, Rebels and Islamic Militants*. Pretoria: Institute of Security Studies, 313-340.
- Jackson, A. 2006. "Nigeria: A Security Overview." *The Round Table* 96 (392): 587–603.
- Jackson, R., L. Jarvis, J. Gunning, and M. Breen Smyth. 2011. *Terrorism: A Critical Introduction*. London: Palgrave Macmillan.
- Jackson, R. 2007. "Core Commitments of Critical Terrorism Studies." *European Political Science* 6 (3): 244-251.
- Jackson, R. 2009. "Knowledge, Power and Politics in the Study of Political Terrorism." In: R. Jackson, M. Breen Smyth and J. Gunning, eds. *Critical Terrorism Studies. A New Research Agenda*. London: Routledge, 66–83.
- Jackson, R. "Critical Terrorism Studies: An Explanation, a Defence and a Way Forward." *Paper prepared for the BISA Annual Conference*, 14-16 December, 2009, University of Leicester, UK.
- Jarvis, L. 2009. "The Spaces and Faces of Critical Terrorism Studies." *Security Dialogue*, 40 (1): 5-27.
- Joseph, R. 2012. "Discordant Development and Insecurity in Africa." In: *Foresight Africa: top priorities for the continent in 2013*. Washington, DC: Brookings Institution, 14-16.
- Kahl, C.H. 2006. *States, Scarcity, and Civil Strife in the Developing World*. New Jersey: Princeton University Press.
- Kassimeris, G. 2008. *Playing Politics with Terrorism: A User's Guide*. New York: Columbia University Press.
- Kiikpoye K.A. 2012. "New Corporate Social Responsibility Models for Oil Companies in Nigeria's Delta Region: What Challenges for Sustainability?" *Progress in Development Studies* 12 (12): 259–273.
- Koch, I.E. 2009. *Human Rights as Indivisible Rights: The Protection of Socio-Economic Demands under the European Convention on Human Rights*. Martinus Nijhoff.
- Lawal, M. 2011. "Law and Development in Nigeria: A Need for Activism." *Journal of African Law*, 55 (1), 59-85.
- Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, Maastricht, January 22-26, 1997.
- Maiangwa, B., U.O. Uzodike, A. Whetho, and H. Onapajo. 2012. "'Baptism by Fire': Boko Haram and the Reign of Terror in Nigeria." *Africa Today* 59 (2): 40-57.
- McDonald, M. 2007. "Emancipation and Critical Terrorism Studies." *European Political Science* 6 (3): 252-259.
- Michel, T., and A. Richards. 2009. "False Dawns or New Horizons? Further Issues and Challenges for Critical Terrorism Studies." *Critical Studies on Terrorism* 2 (3): 399-413.
- Miguel, E. 2007. "Poverty and Violence: An Overview of Recent Research and Implications for Foreign Aid." In: L. Brainard and D. Chollet eds. *Too Poor for Peace? Global Poverty, Conflict, and Security in the 21st Century*. Washington, DC: Brookings Institution, 50-59.
- National Human Rights Commission, 2013. *The Baga Incident and the Situation in North-East Nigeria*. Abuja.
- Nigerian Bureau of Statistics Online. 2013. Accessed 25 July 2013.  
<http://www.nigerianstat.gov.ng/>



- 
- Ogege, S.O. 2011. "Amnesty Initiative and the Dilemma of Sustainable Development in the Niger Delta Region of Nigeria." *Journal of Sustainable Development* 4 (4): 249-258.
- Ogundiya, I.S., 2009. Domestic Terrorism and Security Threats in the Niger Delta Region of Nigeria." *Journal of Social Science* 20(1): 31-42.
- OHCHR. 2011. *Poverty and Economic, Social and Cultural Rights*. Accessed 27 July 2013. [http://www2.ohchr.org/english/ohchrreport2011/web\\_version/ohchr\\_report2011\\_web/allegati/11\\_Poverty.pdf](http://www2.ohchr.org/english/ohchrreport2011/web_version/ohchr_report2011_web/allegati/11_Poverty.pdf)
- Okonjo-Iweala, N. 2012. *Reforming the Unreformable - Lessons from Nigeria*. Cambridge, MA: MIT Press.
- Oluwaniyi, O. O. 2010. "Oil and Youth Militancy in Nigeria's Niger Delta Region." *Journal of Asian and African Studies* 45 (3): 309-325.
- Oluwaniyi, O.O. 2011. "Post-Amnesty Programme in the Niger Delta: Challenges and Prospects." *Trends in Conflict* 4: 46-54.
- Omeje, K. 2009. "The Rentier State: Oil-Related Legislation and Conflict in the Niger Delta, Nigeria." *Conflict, Security and Development* 6 (2): 211-230.
- Omotola, J.S. 2010. "Elections and Democratic Transition in Nigeria under the Fourth Republic." *African Affairs* 109(437): 535-553.
- Open Society Institute and Network on Police Reform in Nigeria, 2010. *Criminal Force Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force*. New York: Open Society Institute.
- Osumah, O., and I. Aghedo. 2011. "Who Wants to be a Millionaire? Nigerian Youths and the Commodification of Kidnapping." *Review of African Political Economy* 38 (128): 277-287.
- Otite, A., and N. Umukoro. 2011. "Amnesty Programme and the Niger Delta: Overview of Disarmament, Demobilization, and Reintegration (DDR) Strategy for Sustainable Peace." *Africana* 5 (1): 217-236.
- Paden, J.N. 2005. *Muslim Civic Cultures and Conflict Resolution: The Challenge of Democratic Federalism in Nigeria*. Washington, DC: Brookings Institution.
- Pham, J.P. 2012. "Boko Haram's Evolving Threat." *Africa Security Brief* 20: 1-8.
- Reno, W. 2011. *Warfare in Independent Africa*. Cambridge: Cambridge University Press.
- Rice, S. 2007 "Poverty Breeds Insecurity." In: L. Brainard and D. Chollet eds. *Too poor for Peace? Global Poverty, Conflict, and Security in the 21st Century*. Washington, DC: Brookings Institution, 31-49.
- Ibaba, I. 2011. "Amnesty and Peace-building in the Niger Delta: Addressing the Frustration-Aggression Trap." *Africana* 5(1), 238-271.
- Schmid, A.P. 2004. "Framework for Conceptualising Terrorism." *Terrorism and Political Violence* 16 (2): 197-221.
- Shaw, M.N. 2008. *International Law* 6th edn. Cambridge: Cambridge University Press.
- Solomon, H. 2012. "Counter-Terrorism in Nigeria." *The RUSI Journal*, 157(4), 6-11.
- Stohl, M. 2008." Old Myths, New Fantasies and the Enduring Realities of Terrorism." *Critical Studies on Terrorism* 1 (1): 5-16.
- Taydas, Z., and D. Peksen. 2012. "Can States Buy Peace? Social Welfare Spending and Civil Conflicts." *Journal of Peace Research* 49(2): 273-287.
- Tellidis, I. 2011. "Orthodox, Criticals and the Missing Context: Basque Civil Society's Reaction(s) to Terrorism." *Critical Studies on Terrorism* 4 (2): 181-197.
- The Social and Economic Rights Action Centre for Economic and Social Rights v Nigeria* 2001. African Commission on Human and Peoples Rights' Comm. No. 155/96
- Toros, H., and J. Gunning. 2009. "Exploring a Critical Theory Approach to Terrorism Studies." In: R. Jackson, M. Breen Smyth, and J. Gunning, eds. *Critical Terrorism Studies: A New Research Agenda*. London and New York: Routledge, 87-108.

- 
- Ukiwo, U. 2003. "Politics, Ethnoreligious Conflicts and Democratic Consolidation in Nigeria." *Journal of Modern African Studies* 41 (1): 115-138.
- United Nations Environmental Programme (UNEP). 2011. *Environmental Assessment of Ogoniland*. Accessed 2 February 2013. <http://www.unep.org/nigeria/>
- United Nations Environmental Programme. 2011a. "UNEP Ogoniland Oil Assessment Reveals Extent of Environmental Contamination and Threats to Human Health." Accessed 5 August 2013. <http://www.unep.org/newscentre/default.aspx?DocumentID=2649&ArticleID=8827>
- Vienna Convention on the Law of Treaties*. Opened for signature 23 May 1969, 1155 UNTS 331.
- Walker, A. 2012. "What is Boko Haram?" *Special Report* 308, 1-16. Washington, DC: United States Institute for Peace.
- Weinstein, J. 2007. *Inside Rebellion*. Cambridge: Cambridge University Press.
- Wood, J.M. 2003. "Justiciable Social Rights as a Critique of the Liberal Paradigm." *Texas Journal of International Law* 38: 673-793.
- Yusuf, H. O. 2013. "Human Rights Violations Investigations Panel (Oputa Panel)." In: L. Stan and N. Nedelsky, eds. *Encyclopedia of Transitional Justice* Vol. 3. New York: Cambridge University Press, 160-165.
- Yusuf, H.O. 2007. "Travails of Truth: Achieving Justice for Victims of Impunity in Nigeria." *International Journal of Transitional Justice* 1(2): 268-286.
- Yusuf, H.O. 2008. "Oil on Troubled Waters - Multinational Corporations and Realising Human Rights in the Developing World with Particular Reference to Nigeria." *African Human Rights Law Journal* 8 (1): 79-107
- Yusuf, H.O. 2011. "Rule of Law and Politics of Anti-Corruption Reform in a Post-Authoritarian State - The Case of Nigeria." *King's Law Journal* 22(1): 57-83.